UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ARY JEWELERS, LLC,
 	
    Plaintiff,
 	
v.
 	
IBJTC BUSINESS CREDIT CORPORATION
and DAVID MOLINARIO,
 	
    Defendants.
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	) Civil Action No. 04-10281-EFH
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MOTION TO RESCHEDULE THE DATE OF BENCH TRIAL

Defendant IBJTC Business Credit Corporation ("IBJ") hereby moves to reschedule the

date of the bench trial in this action from December 11, 2006, to the Court's first available date

in January 2007, or alternatively to December 4, 2006.[1] IBJ has not previously requested a

change in the trial date.

As grounds for this motion, IBJ states as follows: On motion of the plaintiff, to which

IBJ assented, on May 3, 2006, the Court moved the trial date from September 25, 2006, to

December 11, 2006. Lead trial counsel for IBJ is unavailable on Friday, December 15, 2006,

due to an important family matter. Because plaintiff's trial counsel resides in Texas, IBJ

believes that it will be more efficient to conduct the trial during a week when trial may proceed

each day of the week.

IBJ requested that plaintiff's counsel assent to this motion. Plaintiff's counsel has

advised that they are available to try this case in January 2007, and we believe they are available

the week of December 4, 2006. However, they have refused to assent to the motion unless IBJ

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[1] David Molinario has been voluntarily dismissed and therefore is no longer a defendant.

agrees, among other things, to reopen pretrial fact discovery, which IBJ in unwilling to do. As

the Court will recall, it has denied repeated motions by plaintiff to reopen fact discovery. Most

recently, the Court issued orders on June 19, 2006 denying motions for additional discovery by

plaintiff.

Wherefore, IBJ respectfully requests that the Court reschedule the trial to January 2007;

or the week of December 4, 2006.

IBJTC BUSINESS CREDIT CORPORATION
By their attorneys,

/s/ Christopher R. Dillon

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Dated: June 30, 2006

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